

REMARKS

In the Office Action of March 23, 2005, claims 1-40 are pending. Claims 1, 25-29, 34, 36-37, and 40 are herein amended. Claims 41-44 are newly added. Claims 1, 25, 29, 34, and 40 are independent claims from which all other claims depend therefrom. Note that in the Office Action that claim 38 was not specifically addressed.

The Office Action states that claims 1-3, 6, 8-12, 26, 31, and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by D. B. Carroll (U.S. Pat. No. 3,144,224). It appears that claim 26 was inadvertently rejected as being anticipated by Carroll, as opposed to claim 29, which was argued in paragraph 3 of the Office Action.

Amended claims 1 and 29 have similar limitations and are therefore described together. Claim 1 recites an overhead area access staircase system for an aircraft and claim 29 recites an aircraft. Both claims 1 and 29 include the limitations of an actuating system that adjusts the orientation or the position of the stair segments using an operating technique selected from electrically operated, hydraulically operated, and pneumatically operated.

Carroll discloses an emergency escape hatch. A ceiling door 5 is released from a ceiling of a passenger cabin. The ceiling door 5 and a ladder 11 that is attached to the door provide access to a fuselage door 3 above the ceiling.

The Office Action states that Carroll discloses a pneumatically operated system and refers to item 7 of Carroll. Applicant, respectfully, traverses. Item 7 of Carroll is a snub cylinder that is used to cushion the downward swing of the door 5. The cylinder is not an actuating system that is used to alter the position or orientation of the door. The cylinder simply reduces the downward swing speed of the door 5. The cylinder is passive not active, as is the actuating system claimed. The door 5 is simply released and allowed to swing downward. Carroll does not disclose or suggest an electrical, pneumatic, or hydraulic system for deploying and/or stowing of the door 5.

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and ladder 11. In addition, it is not clear what is included in the snub cylinder 7. Nowhere in Carroll is it stated that the snub cylinder 7 contains air, that the snub cylinder 7 cushions the downward swing via air contained therein, or that the snub cylinder 7 is operated via pressurized air. The snub cylinder 7, for example, may simply include a spring.

Amended claim 34 recites a method of accessing an overhead area of an aircraft. The method includes deploying one or more hand rail members. The Office Action states that Carroll discloses hand supports and refers to the rungs 12 of the door 5 of Carroll. Applicant submits that regardless of whether the rungs 12 are considered hand supports, they are clearly not hand rails. The term "hand rail" refers to a rail for the grasping with the hand and is used as a support for the hand, see *Merriam-Webster's Third New International Dictionary*. The rungs 12 are steps not rails and are not intended for hand support.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, Carroll fails to teach or suggest each and every element of claims 1, 29, and 34, therefore, claim 1, 29, and 34 are novel, nonobvious, and is in a condition for allowance. Since claims 2-3, 6, 8-12, 29, 31, and 34 depend from claim 1, 29, and 34, respectively, they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

The Office Action states that claims 4-5, 7, and 13-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll, however argues the combination of Carroll with Latimer. Applicants therefore assume that the rejection of claims 4-5, 7, and 13-24 is under 35 U.S.C. 103(a) over Carroll in view of Latimer.

Applicant submits that since claims 4-5, 7, and 13-24 depend from claim 1, that they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons. Applicants submit that neither Carroll nor Latimer teach or suggest the limitations of an actuating system

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that adjusts the orientation or the position of stair segments using an operating technique selected from electrically operated, hydraulically operated, and pneumatically operated.

Claims 25-28 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Latimer et al. (U.S. Pat. Pub. No. 2005/0029044 A1) in view of Carroll.

Amended claim 25 recites the limitations of balusters coupled to aircraft module stair segments. A hand rail member is coupled to the balusters. The term "baluster" generally refers to a column that supports a hand rail, see *Merriam-Webster's Third New International Dictionary*.

The Office Action states that Latimer discloses balusters and refers to item 805. Item 805 of Latimer is not a baluster, but is rather a linkage member that is used to support a step 150. The stowable ladder of Latimer does not include a hand rail and thus does not include any balusters to support a hand rail. Nowhere in Latimer are hand rails and balusters mentioned, disclosed, or suggested.

Applicant notes that item 160 of Latimer is a step rail. The step rail 160 is similar to a linkage and is used to support multiple steps 150. The step rail is clearly not a hand rail. The step rail 160 is thin and is in the form of a linkage or bracket and is not designed for hand support. The step rail 160 appears to have edges that would be irritating to the touch. Also, items 165 of Latimer are joints not linkages that are coupled between the step rails 160. The joints 165 are also clearly not hand rails.

Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, since Litmer and Carroll alone or in combination fail to teach or suggest each and every element of claims 25 and 40, Applicant submits that claims 25 and 40 are novel, nonobvious, and is in a condition for allowance. Applicant further submits that since claims 26-28 depend from claim 25, that they are

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also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

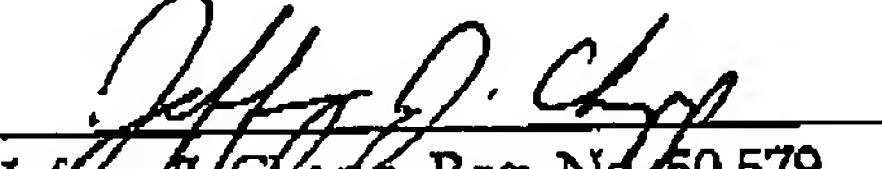
Claims 35-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Latimer. Note that claim 35 has been canceled.

Applicant submits that since claims 36-37 depend from now allowable claim 34, that they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

In light of the amendments and remarks, Applicant submits that all objections and rejections are overcome. The Applicant has added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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